

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

OLYNICK, David, P.
Beyer Weaver & Thomas, LLP
P.O. Box 70250
Oakland, CA 94612-0250
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

23 March 2006 (23.03.2006)

Applicant's or agent's file reference

29757/P-918

IGT/P208FWQ

IMPORTANT NOTICE

International application No.

PCT/US2004/029839

International filing date (day/month/year)

14 September 2004 (14.09.2004)

Priority date (day/month/year)

15 September 2003 (15.09.2003)

Applicant

IGT et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

BEYER WEAVER & THOMAS, LLP

SEEN/CONFIRMED

BY DOCKETING DEPT.

DATE: 5/1 BY: CN

TJS

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Nora Lindner

Facsimile No. +41 22 740 14 35

Facsimile No. +41 22 338 89 65

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 29757/P-918	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/029839	International filing date (<i>day/month/year</i>) 14 September 2004 (14.09.2004)	Priority date (<i>day/month/year</i>) 15 September 2003 (15.09.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant IGT		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date of issuance of this report 16 March 2006 (16.03.2006)</td> </tr> <tr> <td style="padding: 2px;">Authorized officer Nora Lindner</td> </tr> <tr> <td style="padding: 2px;">Telephone No. +41 22 338 89 65</td> </tr> </table>	Date of issuance of this report 16 March 2006 (16.03.2006)	Authorized officer Nora Lindner	Telephone No. +41 22 338 89 65
Date of issuance of this report 16 March 2006 (16.03.2006)				
Authorized officer Nora Lindner				
Telephone No. +41 22 338 89 65				

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 02 FEB 2005

WIPO

PCT

PCT

To:

see form PCT/ISA/220

31/3

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year)

03 FEBRUARY 2005

see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2004/029839

International filing date (day/month/year)

14.09.2004

Priority date (day/month/year)

15.09.2003

International Patent Classification (IPC) or both national classification and IPC
G07F17/32

Applicant

IGT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Mennerun, S

Telephone No. +49 89 2399-7208



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/029839

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/029839

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
☒ claims Nos. 2-48

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 1-32
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
- | | |
|----------------------------|--|
| the written form | <input type="checkbox"/> has not been furnished |
| | <input type="checkbox"/> does not comply with the standard |
| the computer readable form | <input type="checkbox"/> has not been furnished |
| | <input type="checkbox"/> does not comply with the standard |
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/029839

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-48
Inventive step (IS)	Yes: Claims	
	No: Claims	1-48
Industrial applicability (IA)	Yes: Claims	1-48
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. According to Article 17(2)(a)(ii) and Rule 39(1)(iii) :

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject-matter is any of the following :
[...] (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games.

The examiner is of the preliminary opinion that the independent method claims 1, 10, 19 and 26 are related to "conducting a wagering game" and should therefore be considered as non allowable subject-matter.

- 1.1 Dependent claims 2-9, 11-18, 20-25, 27-32 call for the same objections.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Article 6 PCT :

- 1.1 The multiplicity of definitions of the invention given in independent claims **1, 10, 19, 26, 33, 42** is contrary to the requirements of Article 6 PCT. A European patent application may contain more than one Independent claim in the same category only if the subject-matter of the application involves (a) a plurality of inter-related products (such as a plug and a socket), (b) different uses of a product, or (c) alternative solutions to a particular problem which cannot be covered by a single claim. None of these apply to the present application.

Moreover, the claim set should be formulated concisely. Further, a diversity of wording for defining one and the same invention should be avoided in order not to render the claims inconsistent with each other and thus unclear.

Consequently, in the present case, it is appropriate to use only one independent claim per category.

- 1.2 As regards claims 33 and 42, the feature "an output device" is defined in functional terms and the technical limitation implied by the feature is not evident.
2. Article 33(2) PCT :

Reference is made to the following documents:

- D1: WO-A-0 199 067 (INT GAME TECH) 27 December 2001
D2: EP-A-1 343 125 (WMS GAMING INC) 10 September 2003
D3: US-A-5 762 552 (VUONG SON THANH ET AL) 9 June 1998
D4: US 2002/094869 A1 (HARKHAM GABI) 18 July 2002

The document D1 is regarded as being the closest prior art to the subject-matter of **claim 1**, and this document shows the following features thereof (the references in parentheses applying to this document):

A gaming unit (**Figures 1-7**) for conducting a wagering game and an associated progressive jackpot in a gaming network (**Figures 1-7**) having a network computer (**Figures 1-7**) and a plurality of gaming units (**Figures 1-7**), comprising an input device (**Figures 1-7**) for inputting a plurality of input selections: a gaming unit memory device (**Figures 1-7**); a currency-accepting mechanism (**Figures 1-7**) that is capable of allowing a player to deposit a medium of currency; an output device (**Figures 1-7**); a value-dispensing mechanism (**Figures 1-7**) that is capable of dispensing value to the player; a gaming controller (**Figures 1-7**) operatively coupled to the input device, the gaming unit memory device, the currency-accepting mechanism, the output device and the value-dispensing mechanism.

Thus, all the above technical features are known from the available prior art and lack novelty under Article 33(2) PCT.

It has to be noted that D2 (see [0026]-[0036]) and D3 (**Figures 1-3**) also explicitly disclose the above claimed technical features, thereby attacking novelty under Article 33(2) PCT.

3. Article 33(3) and Rule 6.3 (a)-(c) PCT :

The remaining features of claims 33 and 42 are mere programming instructions of the gaming unit controller, said programming instructions being meant for conducting "a wagering game".

However, those features relate to the mere implementation of some game according to its rules. Hence, those features do not contribute to solving any technical problem within the meaning of Rule 6.3 (a)-(c) PCT and thus cannot be taken into consideration for assessing the presence of an inventive step under Article 33(3) PCT.

4. In summary, as far as the present application can be understood, the examiner is of the opinion that the subject-matter of the claims is merely the implementation of some game according to its rules and the representation of particular information. Furthermore, only well-known or generic. functional means, such as wheels, reels, indicia, speakers, standard gaming unit, various display devices, means to receive input from players, et cetera, are used to those ends.

Rules and methods for playing games and presentation of information are, taken alone, not regarded as inventions (Article 17(2)(a)(ii) and Rule 39(1)(iii)) and can neither lend any technical character to the claims nor contribute to the solution of any technical problem. The other commonplace technical features of the claims do not offer any solution to any technical problem, even in combination with each other or with the non-technical features of the claims.

Therefore, there is no technical problem to be solved (Rule 6.3 (a)-(c) PCT), so that no inventive step is involved in the subject-matter of the claims (Article 33(3) EPC).

Thus, it was not possible to find any subject-matter in the application which could be regarded as potentially allowable under the Articles and Rules of the PCT.